

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ANGEL RIVERA, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. CIV-15-1299-M  
 )  
 GARFIELD COUNTY SHERIFF'S )  
 DEPARTMENT, et al., )  
 )  
 Defendants. )

**ORDER**

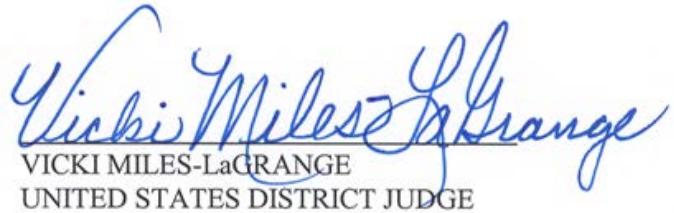
On December 14, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge made the following recommendations: (1) that plaintiff's claims asserted against defendant Garfield County Detention Center and any claims asserted on behalf of other inmates be dismissed with prejudice for failure to state a claim upon which relief can be granted; (2) that plaintiff's Fourteenth Amendment conditions of confinement claim based upon being required to use showers as urinals during recreation time be dismissed with leave to amend; and (3) that plaintiff's remaining claims be dismissed without prejudice for failure to state a claim upon which relief can be granted. Plaintiff was advised of his right to file an objection to the Report and Recommendation on or before December 31, 2015. A review of the file reveals no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 7] issued by the Magistrate Judge on December 14, 2015, and
- (2) DISMISSES plaintiff's claims as follows: (1) plaintiff's claims asserted against defendant Garfield County Detention Center and any claims asserted on behalf of other inmates are dismissed with prejudice for failure to state a claim upon which relief can be granted; (2) plaintiff's Fourteenth Amendment conditions of

confinement claim is dismissed without prejudice and plaintiff is granted leave to file an amended complaint regarding his Fourteenth Amendment conditions of confinement claim on or before April 11, 2016; and (3) plaintiff's remaining claims are dismissed without prejudice for failure to state a claim upon which relief can be granted.

**IT IS SO ORDERED this 9th day of February, 2016.**



VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE